



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/923,599

08/06/2001

Brian Gerard Goodman

TUC920000097US1

1418

7590

03/25/2004

David W. Victor  
KONRAD RAYNES & VICTOR LLP  
Suite 210  
315 S. Beverly Drive  
Beverly Hills, CA 90212

EXAMINER

OLSON, JASON C

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 03/25/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,599

Applicant(s)

GOODMAN ET AL.

Examiner

Jason C Olson

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-46 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-19, 21-26, 47-57 and 59-65 is/are rejected.
- 7) ☒ Claim(s) 12, 20, 58 and 66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-19, 21-26, 47-57, and 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al. (U.S. 5,572,378) in view of Smith (U.S. 6,674,598).

Re claims 1-11, 13-19, 21-26, 47-57, and 59-65, Schwarz et al. discloses a tape cartridge including a magnetic tape medium using LTO technology (see col. 3, ln. 53-57; figure 1, items 18 and 14; and figure 2, item 64), a first user data section comprised of a wrap section, having a shorter longitudinal length, located closer to BOT, a second user data section comprised of a separate wrap section, having a longer longitudinal length, located closer to EOT, and additional user data sections (see col. 4, ln. 14-34, col. 6, ln. 9-17, and as illustrated in figures 2 and 3, items EOT, 64, 58, 58a-c, 56, 56a-c and BOT. It can be seen in figure 2 that first user data section (56) is closer to BOT and is shorter longitudinally than second user data section (58)). Furthermore, Schwarz et al. teaches data to be written in a serpentine path between a beginning and end of a first or second data section, where the data sections are contained in wrap sections and the magnetic tape medium contains 1 to multiple wrap sections (see col. 4, ln. 46-61, col. 6, ln. 9-17 and as illustrated in figures 2 and 3, items 64, 70, 72, 90, 92, 94, 52, 54a-c, 56a-c, and 58a-c.). Schwarz et al. is relied upon further to teach a file directory and a read/write head for

Art Unit: 2651

determining the location, accessing, reading, and writing requested data to and from the first and/or second user data section; it is known in the art that data can be written to a first data section completely before data is written in a second data section (see col. 3, ln. 65-col. 4, ln. 26). Schwarz et al. fails to teach selecting a set of data to be accessed with less delay, transferring the data to a first data section and transferring the rest of the data to a second data section, however, Smith is relied upon to teach a data storage medium comprising: an outer one-third user data section (first data section) and an inner two-thirds user data section (second data section) (see figure 1, items 44, 43, 42, and col. 2, ln. 65-col. 3, ln. 5), where data that is accessed most frequently is placed in the outer data section and the rest of the data is placed in the inner data section (see col. 4, ln. 45-50 and figures 4A and 4B) leading to the accessing of a set of data with less delay because the most frequently accessed data is in the smaller confined area of the outer data section.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith's invention with the invention as taught by Schwarz et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to decrease the data access delay on data most frequently accessed in order to improve storage device performance.

Art Unit: 2651

*Allowable Subject Matter*

Claims 12, 20, 58, and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-46 are allowed. The Examiner interprets independent claims 27 and 41 as "means-plus-function" claims under 35 U.S.C §112, Paragraph 6. Claims 27 and 41 are interpreted to cover the corresponding structure, material or acts in the specification and 'equivalents thereof'.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoyt (U.S. 6,628,469) is cited for teaching a low power HDD storage device. Price et al. (U.S. 5,761,007) is cited for teaching a disk drive with multiple actuators on a single axis having different inertia characteristics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C Olson whose telephone number is 703.305.8325. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO 

March 16, 2004

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600